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ABSTRACT

On October 23-24, 1972, members of the faculty of Michigan State University overwhelmingly rejected collective bargaining as a means for dealing with faculty-administration relationships at the university. This election did not mean that those faculty members who spearheaded the drive against unionization are satisfied with the status quo at Michigan State. Many of the faculty believed that the administration should be more responsive to the recommendations of the faculty committees. This document traces the events that lead to this decision, the election itself, the administrative response, and the author's conclusions concerning the impact of this election. (Author/PG)

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A "CLASSIC" VOTE FOR NO REPRESENTATION: MICHIGAN STATE UNIVERSITY*

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Introduction

As of January 1974, the collective bargaining experience in higher education has produced the following record:

1. Faculty members have chosen collective bargaining agents at 212 institutions of higher education, encompassing 317 campuses;

2. Sixty-two of these institutions are four-year colleges and universities with 128 campuses, while another 150 (189 campuses) are two-year institutions;

3. The vast majority of agents (183) are located in public institutions, while there are only 29 faculties represented at private institutions;

4. Faculties at only 21 four-year institutions have rejected collective bargaining in a representation election; 18 of these institutions were private colleges and universities.

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* The information for this paper was obtained through interviews with the following Michigan State University personnel: The Provost of the University, the Assistant Vice President for Personnel and Employee Relations, the Chairman of the Faculty Affairs and Faculty Compensation Committee, the President of the local AAUP chapter, the President-elect of the Faculty Associate (NEA), and a member of the Executive Committee of Concerned Faculty. The opinions expressed herein are those of the author. The Academic Collective Bargaining Service is neutral on the desirability of collective bargaining.

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The three four-year public institutions at which faculty members gave the majority of their support to the "no agent" option are Michigan State University, Northern Michigan University, and most recently the University of Massachusetts at Amherst. The incidence of faculty rejection of collective bargaining at public institutions is very limited in contrast to the number of agents for public institutions. For this reason, many observers of the collective bargaining phenomenon regard the Michigan State University experience as the "classic" case of faculty rejection of unionism. Michigan State is a large, multi-missioned public university. It is a land-grant college, and the first member of the mid-west Big Ten to have a representation election. The remainder of this paper provides an overview of the Michigan State election.

On October 23-24, 1972, members of the faculty of Michigan State University overwhelmingly rejected collective bargaining. Better than 82 percent of approximately 2,540 eligible voting unit members cast their ballots in the election, giving the no agent option 1,213 votes to 438 for the MSU-Faculty Associates, and 280 for the AAUP. Thus, the faculty members of Michigan State, along with the University's student employees, remained the only two major blocks of University employees who had not collectively organized.

Pre-Election Events

In 1970 the faculty of the MSU University College, the University's lower division academic unit, petitioned the Michigan Employee Relations Commission (MERC) to establish a bargaining unit for the faculty of the University College. The University administration contested this petition on the grounds that all faculty members of the University served as one unified faculty. The University's position was upheld. In February 1971, a local group of faculty known as the MSU-Faculty Associates declared that they would seek authorization cards from 30 percent of the University faculty and petition for an election under MERC guidelines. The Faculty Associates became associated with the local chapter of the Michigan Education Association (MEA), an affiliate of the National Education Association (NEA). Thereafter, several ad hoc faculty committees were established to study the implications of collective bargaining for Michigan State University.* While these various studies were carried out, the Faculty Associates established a moratorium on the collection of authorization cards.

The local chapter of the American Association of University Professors (AAUP), following a vote of its membership, determined that it, too, would seek to represent the MSU faculty. The AAUP's entire involvement in the election was a defensive move against the NEA group. The collection of authorization cards was a means to protect the organization's interests in the event that the NEA group became successful in its own organizing activities. In May 1971, the AAUP announced that it had authorization cards from 13 percent of the faculty, an amount sufficient to assure them a place on a representation election ballot.

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* "An impartial Review of Collective Bargaining by University Faculties," prepared by the Michigan State University Faculty Affairs Committee, March 9, 1971; "Report of the Ad Hoc University Committee on Collective Bargaining," January 31, 1972.

Over the summer of 1971, organizing activities were curtailed, and there was little aggressive seeking of authorization cards. Finally, in February, 1972, the Faculty Associates filed a petition with MERC requesting an election. The following month, an agreement concerning the constituency of the faculty bargaining unit was made between the NEA-affiliated group and the University administration. The unit agreed upon was a relatively "pure" academic bargaining unit (excluding non-teaching professionals), but did not include department chairmen. The AAUP did not concur with the latter decision. However, since the AAUP did not have the necessary 30 percent authorization cards required by Michigan law to participate in unit determination proceedings, the AAUP was barred from the decision. In May 1972, MERC authorized October 23-24 as the dates for a representation election.

According to representatives of the MSU-Faculty Associates, their decision to agree to the exclusion of department chairmen was founded in previous MERC decisions regarding the department chairmen in other institutions, e.g. Wayne State University. However, there were members of the Faculty Associates who wanted department chairmen excluded for other reasons. Department chairmen were regarded by some as administrators and potential supporters of a vote for no agent. Furthermore, department chairmen were responsible for the distribution of salary increases, and, accordingly, regarded by some faculty members as responsible for existing salary inequities.

Though having no legal say in unit determination proceedings, the AAUP objected to the decision to exclude department chairmen from the unit on the grounds that department chairmen are primarily faculty members who have assumed, temporarily, certain administrative responsibilities. Chairman responsibility for the distribution of funds for faculty salaries was not entirely relevant, since in many departments salary decisions were made by the chairman with the counsel of salary advisory committees.

The administration's desire to exclude department chairmen was based on the belief that the full range of their administrative and supervisory functions made them management in a unionized environment. The administration contended that, since department chairmen are the responsible administrators at the unit level for supervisory and financial affairs, legal precedent would view them as managers within the administrative structure. The administration said that, notwithstanding various advisory committees and councils, administrative and supervisory functions and legal liability rest with the respective department chairmen. Their inclusion in the bargaining unit would create the necessity of reinventing another administrative level to assume their management authority.

The administration's decision to seek the exclusion of department chairmen while defining an otherwise "academically pure" unit came after months of study and consideration by a committee appointed by the President composed of deans and University officers. This committee was formed in the fall of 1971 following a Presidential staff review of the faculty contracts already negotiated at other universities. The purpose of this group was to review materials and to prepare position papers on key issues. These papers were then discussed thoroughly and provided the setting for such decisions as the appropriate unit definition.

The Election

The MSU-Faculty Associates was conceived by union organizing activities. Since its inception, it had had a dues-paying membership of between 60 and 100 faculty. Its affiliation with the NEA followed a pattern set by local organizations in other universities which had found the costs of organizing and running an election campaign very prohibitive. The state association (MEA) provided a full-time staff member for the two months of the fall campaign. Another two staff members from the NEA in Washington were present for the final month of the election campaign. The NEA and MEA provided the funds for two suites of offices in a local motel, in addition to funds for printing, advertisements, a full-time secretary, and part-time clerical help. The total financial commitment from the state and national associations reached well over several thousand dollars.

The local AAUP chapter had had between 250 and 350 local dues-paying members over the past several years. Slightly over 500 of the Michigan State University faculty were national dues-paying members of the AAUP. Once the local chapter had decided to participate in the election, the national organization offered to send personnel to assist in the organizing activities. The local group decided, however, not to request such assistance. Nevertheless, the national AAUP did defray the major portion of the financial commitments of the AAUP's campaign. A total of $2000 was received from the Washington offices, $1000 of which was an outright grant. The AAUP did not establish any campaign offices or telephone hotline. Instead, the AAUP's campaign was directed by the local officers from their respective campus offices.

The AAUP's involvement in the campaign did affect many of the privileges granted it by the University's administration. Once the AAUP intervened it was denied an office in campus facilities, its intra-campus mailing privileges were withdrawn, and payroll dues deductions for the AAUP were eliminated after the MEA requested comparable privileges. Notably, none of these privileges were restored following the election.

Approximately five weeks before the election day, seven faculty members, representing chemistry, psychology, home economics, soil sciences, communications art, economics, speech and audiology, and the University College, held an organizational meeting which evolved into a group ultimately known as the "Concerned Faculty". The group's goal was to organize the "no union" support. The group sought a representative from every department on the campus, and tried to provide spokesmen at all forensic sessions pertaining to the election. Printing and mailing costs and newspaper advertisements were paid for by funds raised directly from faculty donations. A total of $1,875 was collected, of which only $8 remained following the election. Most donations ranged between $5 and $25. No attempts were made to collect funds from deans, department chairmen, and other administrators. The University administration took no active role in support of the Concerned Faculty efforts.

Support for the MSU-Faculty Associates was derived largely from the colleges which were not discipline oriented, i.e., the University College

and the three residential colleges. The poor AAUP showing in the election was accounted for primarily because of AAUP membership support of the Concerned Faculty activities. In fact, many of the staunchest AAUP members became active leaders of the "no agent" campaign, while many of the academic "stars" also publicly supported this campaign.

Officers and other influential faculty serving on various faculty governance committees (e.g. the Academic Council and the Faculty Affairs and Faculty Compensation Committee) did not take any public stance with regard to the election on behalf of their organizations. As suggested by the FAFCC chairman, these committees and councils were non-partisan organizations, elected to serve the entire faculty. Accordingly, it was not their position to side with any one faction of the faculty. There was also some concern that the members of these committees not appear as fearful of losing their jobs. In the case of the FAFCC, there was a distinct possibility that this committee would no longer function were collective bargaining adopted.

The move toward collective bargaining on some campuses has, in part, been a reaction to procedures instituted by administrations which have interfered with normal personnel procedures for appointments, promotions, and tenure. This was notan apparent factor in the Michigan State election. At Michigan State there were approximately 3000 faculty, including administrators, with faculty rank. Of these 3000, around 71 percent were in the tenure system. Of those in the tenure system, 56.7 percent, or around 1,200 faculty, held tenure. The University had not had to institute any procedures establishing quotas on the number of faculty to receive tenure. Neither had there been any major position retrenchment measures, although a few positions had been eliminated in particular departments.

There were two primary issues in the campaign: salaries and unionization itself. The proponents of collective bargaining were most concerned about apparent salary disparities between the faculty in the discipline-oriented colleges and those in the three residential colleges and University College. A case was made for equal pay for equal work, versus allowing the faculty marketplace to influence faculty salaries. Raises initiated for the Michigan State faculty for the 1972-73 academic year averaged out at four percent, plus one percent for anomalies, with all faculty members receiving a minimum of $300. (This is compared to average increases of 8.24 percent in 1970-71 and 8.20 percent in 1971-72.)

Comparatively, the University's organized service employees received five and a half percent, in addition to raises associated within grade steps. Considerable attention was also given to the six and a half percent won in collective bargaining by the Central Michigan University faculty.

The salary issue was the heart of the Faculty Associates' campaign. It was apparently not an issue either viable or broad enough to generate interest for collective bargaining by a significant number of MSU faculty members, particularly those in the conventional discipline-oriented departments. In October 1972, at least, the majority of MSU faculty was

more sympathetic to the argument that the collective bargaining process was inappropriate in the context of the University, and the existing machinery, while deficient, could be improved.

Administrative Response

The MSU administration was concerned that at several colleges and universities, the collective bargaining issue had been decided by a relatively small contingent when compared with the total membership in the bargaining unit. If nothing else, the University wanted to encourage all eligible members of the voting unit to participate in the actual election. In that regard, it was believed that an informed electorate was most likely to vote. One means for providing this information was the establishment of mini-libraries around campus and at the main library's reserve desk. This was not initiated by the administration but by an ad hoc faculty committee. These libraries included several faculty union agreements from other institutions, as well as reprints of published articles dealing with faculty unionism.

The most critical feature of the administration's approach to the election was the public statements issued by the University's Provost and President reserved for the few weeks just prior to the election. Three aspects of these statements were significant. First, although admitting that they could operate with a faculty union, the President and Provost conveyed in these statements their perceptions of the trade-offs between traditional forms of faculty-administration relationships and the collective bargaining process. Second, by not remaining silent during the election campaign, the administration hoped to stifle rumors that it tacitly preferred collective bargaining over traditional forms of faculty-administration relationships. Third, if the statements by the President and Provost were to have any impact upon the election, proximity to the date of the actual election was imperative. Accordingly, the administration's public statements were not issued until the intensive final weeks of the election campaign.

These statements precipitated much discussion, and as such were a factor in the election. Their greatest impact was probably to provide the deciding element in convincing fencesitters which way to vote, depending upon their personal reactions to the statements.

Three separate changes in the governance and administrative structure during the two-year period immediately preceding the collective bargaining agent election have been cited by the administration as influencing the "no agent" vote. First, a totally revised academic governance system in 1971 established a stronger voiced Faculty Affairs and Faculty Compensation Committee (FAFCC). Since the members of this committee are directly elected by the various college faculties and the chairman elected by University-wide vote, this committee by charge and selection performs many of the functions that would be assumed by a collective bargaining agent. This committee, although advisory, has had a significant influence in shaping the decisions of the administration and Trustees in regard to faculty salaries and policies.

Second, under the direction of the FAFCC a new faculty grievance procedure was developed in 1972. This procedure permits review of most administrative actions, including the non-renewal of probationary faculty members. Perhaps of equal significance with the scope of the procedure is the provision for a Faculty Grievance Officer. This faculty member is selected on the recommendation of the FAFCC and appointed in an ombudsman type of position independent of the administration.

At the time of the collective bargaining agent election this procedure was in the implementation process. Many observers felt that this new procedure showed significant promise as an alternative to any grievance procedure arrived at through collective bargaining.

Third, the administration realized that the unionization of practically every class of University personnel required more attention than existing administrative arrangements facilitated. In January 1972, the University appointed an Assistant Vice President for Personnel and Employee Relations who was responsible for the divisions of personnel (non-academic), labor relations, and compensation and benefits. In addition to his line responsibility to the Executive Vice President, the Assistant Vice President also provided informal staff responsibilities to the Provost's Office to help promote coordination between the academic and non-academic personnel areas.

Both the creation of a position of Assistant Vice President for Personnel and Employee Relations and the administration's choice of an individual to assume this responsibility were apparently regarded rather favorably at Michigan State. There were faculty members who viewed the reorganization as getting ready for the "war". However, the University's action was generally considered a necessary development, regardless of faculty organizing activities. Yet, the scope of the Assistant Vice President's responsibilities was not entirely understood by the faculty. Some of the faculty who had observed his involvement in academic personnel relations questioned the desirability of providing him with authority in this area. It was said that academic responsibilities should be reserved for the Provost and his office. On the other hand, other faculty members believed that without faculty collective bargaining, the Assistant Vice President for Personnel and Employee Relations would have no particular function with regard to faculty members. Although the Assistant Vice President's authority in academic governance without faculty collective bargaining may not be as great as it would have been with collective bargaining, most faculty did not understand the full extent of his responsibilities and authority.

Conclusions

For the present, the faculty at Michigan State University have rejected the collective bargaining process as a means for dealing with faculty-administration relationships at the University. This does not mean, however, that even those faculty members who spearheaded the drive against unionization are 100 percent satisfied with the status quo at Michigan State. Many of the latter faculty believed that the administration should be more responsive to the recommendations of the Faculty Affairs and Faculty

Compensation Committee. They believed that the University should be more responsible in providing the faculty with adequate information with respect to the University's budget. And, as is frequently requested by collective bargaining agents, faculty members whose time is consumed by such activities as serving on the Faculty Affairs and Faculty Compensation Committee should receive released time from their other University responsibilities.

The faculty at Michigan State University aspire to be a part of a great university. They have observed that their chief rival in the state, the University of Michigan, and other universities which are recognized as "great", have not adopted the collective bargaining process in lieu of the more traditional models of academic governance. For the majority of the present faculty members at Michigan State, there is general satisfaction with these traditional models. In addition, the presence of "stars" on a university's faculty who receive higher salaries is an expected development for a great university. Unless the union organizers can isolate issues which will arouse the passions of a much broader spectrum of the faculty at Michigan State University, it is unlikely that the faculty at MSU will adopt collective bargaining in the very near future.

The future activities of the participating faculty organizations are not entirely predictable. The MSU-Faculty Associates organizers are interested in continuing their activities, but realize that their task would be difficult. Representatives for both the Faculty Associates and AAUP have realized that the relative case or difficulty in gathering authorization cards is a good barometer of faculty sentiment. Unless faculty opinion changes dramatically, local AAUP representatives may be hesitant to enter another campaign. However, as the scope of AAUP involvement across the country in collective bargaining increases, and with its national president on campus, it is unlikely that the national AAUP would want to lose Michigan State University to the NEA without contesting it.

There are certain aspects about the MSU election which should receive special consideration from other administrations. First, the Michigan State University administration did not maintain a totally inactive position throughout the campaign, nor was it guilty of unfair labor practices. Key administrators made public statements, both to make their personal postions known and to encourage the faculty to vote in the election. Efforts were made to educate the faculty (e.g. the mini-libraries) to assure that an informed faculty electorate voted. On the day before the election began, the administration dispatched a memorandum to all University department chairmen requesting that they encourage their faculty to vote. Labor legislation typically prohibits the employer from interfering with the organizing activities of the faculty, dominating the faculty organization, refusing to bargain in good faith, et cetera. The employer is not prohibited from making public its attitude about management-employee relations. Realistically, this attitude is probably already quite visible in practice.

Secondly, whatever approach an administration takes, it should not assume an antagonistic posture. After all, the administration just may

have to negotiate a collective bargaining agreement with these faculty. Although by their very nature labor negotiations are an adversary procedure, the less contentious the election proceedings, the better the chance for smooth negotiations.

Lastly, unless the faculty at an institution is inherently resolved to defeat unionization, it is not likely that anything an administration would do would bring about the union's defeat. Any major effort to oppose collective bargaining, as at Michigan State, is most effective if it has a solid, grassroots base from within the faculty itself. The adoption or rejection of collective bargaining is clearly the choice of the faculty and not the employer.